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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,353	11/23/2001	Huang-Tsun Chen	MR3029-5	1974

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EXAMINER

DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 04/05/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,353

Applicant(s)

CHEN, HUANG-TSUN

Examiner

Prabodh M Dharia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. **Status:** Receipt is acknowledged of papers submitted on February 26, 2004 under amendments, which have been placed of record in the file. Claims 1-17 are pending in this action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2, 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuga (5,828,367) in view of Hyatt (5,432,526).

Regarding Claim 1, Kuga teaches an auto-adjusting light system (Col. 2, Lines 10-14, Lines 17-20, Lines 29-39) of a motionless-image display (Col. 2, Lines 32,33); starting means for receiving said plurality of controlling signals to generate a plurality of starting voltages (Col. 1, Line 62 to Col. 2, Line 9); and displaying means for receiving said plurality of starting voltages to output and adjust the contrast and the brightness of said motionless-image display (Col. 2, Lines 10-39).

However, Kuga fails to teach a display system comprising: inputting means for transmitting a setting value; photosensitive means for generating and transmitting a plurality of variation values by the variation of the light source in the background; controlling means for receiving said setting value and said plurality of variation values to generate a plurality of

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controlling signals, wherein said controlling means can feed back said plurality of variation values in order.

However, Hyatt teaches a display system (Col. 7, Lines 18-20) comprising: inputting means for transmitting a setting value (Col. 7, Lines 50-52); photosensitive means for generating and transmitting a plurality of variation values by the variation of the light source in the background (Col. 7, Lines 52-57); controlling means for receiving said setting value and said plurality of variation values to generate a plurality of controlling signals (Col. 7, Lines 59-67), wherein said controlling means can feed back said plurality of variation values in order (Col. 7, Line 59 to Col. 8, Line 3).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate teaching of Hyatt in Kuga teaching for having a illumination control system to illuminate display in various environment.

Regarding Claim 2, Kuga teaches said setting value comprises an internal value that has been predetermined in said auto-adjusting light system (Col. 1, Lines 28-42, Col.2, Lines 29-32, Lines 14-19).

Regarding Claim 4, Kuga teaches said controlling means can compare the difference of said setting value and said plurality of variation values to generate said a plurality of controlling signals (Col. 3, Lines 53-67).

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Regarding Claim 5, Hyatt teaches said controlling means can compare the difference of said plurality of variation values from each other to generate said plurality of controlling signals (Col. 7, Lines 55 to Col. 8, line 3).

Regarding Claim 6, Hyatt teaches the feed-back action of said controlling means (Col. 108, Lines 56-66)

Kuga teaches the inactive when said plurality of variation values are the same from each other (Col. 4, Lines 3-12, Lines 20-28).

Regarding Claim 7, Kuga teaches said starting means generates said plurality of starting voltages as the same as each other (Col. 4, Lines 3-12, Lines 20-28).

Hyatt teaches when the feed-back action of said controlling means is inactive (Col. 108, Lines 56-66).

Regarding Claim 8, Kuga teaches said displaying means keeps constant contrast and brightness of said motionless-image display (Col. 2, Lines 17-21, Col. 3, Line 53 to Col. 4, Line 12).

Regarding Claim 9, Kuga teaches an auto-adjusting light system (Col. 2, Lines 10-14, Lines 17-20, Lines 29-39) of a motionless-image display (Col. 2, Lines 32,33); generating a setting value (Col. 1, Lines 28-42, Col.2, Lines 29-32, Lines 14-19); generating a first starting voltage according to said first controlling signal; receiving said first starting voltage to output a

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light with a first contrast and a first brightness (Col. 1, Line 62 to Col. 2, Line 39); generating a second starting voltage according to said second controlling signal; and receiving said second starting voltage to adjust said light with said first contrast and said first brightness to form said light with a second contrast and a second brightness (Col. 1, Line 62 to Col. 2, Line 39).

However, Kuga fails to teach a display system comprising: generating a first variation value according to a first light source in the background by transduction of optical radiation; receiving said setting value and said first variation value to generate a first controlling signal; second variation value according to a second light source in the background by transduction of optical radiation; feeding back said first variation value and receiving said second variation value to generate a second controlling signal.

However, Hyatt teaches a display system (Col. 7, Lines 18-20) comprising: generating a first variation value according to a first light source in the background by transduction of optical radiation; receiving said setting value and said first variation value to generate a first controlling signal (Col. 7, Lines 50-57); second variation value according to a second light source in the background by transduction of optical radiation; feeding back said first variation value and receiving said second variation value to generate a second controlling signal (Col. 7, Line 50 to Col. 8, Line 3, Col. 108, Lines 20-55).

Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate teaching of Hyatt in Kuga teaching for having a illumination control system to illuminate display in various environment.

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Regarding Claim 10, Kuga teaches said first controlling signal is generated by the difference between said first variation value and said setting value (Col. 2, Lines 10-21, Col. 3, Line 53 to Col. 4, Line 12).

Regarding Claim 11, Kuga teaches said second controlling signal is generated by the difference between said first variation value and said second variation value (Col. 2, Lines 10-21, Col. 3, Line 53 to Col. 4, Line 12).

4. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuga (5,828,367) in view of Hyatt (5,432,526) as applied to claims 1,2,4-11 above, and further in view of Tosaki (5,844,530).

Regarding Claim 3, Kuga teaches an auto-adjusting light system (Col. 2, Lines 10-14, Lines 17-20, Lines 29-39) of a motionless-image display (Col. 2, Lines 32,33); starting means for receiving said plurality of controlling signals to generate a plurality of starting voltages (Col. 1, Line 62 to Col. 2, Line 9); and displaying means for receiving said plurality of starting voltages to output and adjust the contrast and the brightness of said motionless-image display (Col. 2, Lines 10-39).

However, Kuga modified by Hyatt fails to teach said setting value can be set via an inputting button by manual.

However,

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Thus it is obvious to one in the ordinary skill in the art at the time of invention was made to incorporate teaching of Tosaki in Kuga modified by Hyatt teaching for having a head mounted display; transmission type for displaying prescribed images while transmitting outside light, a head mounted device for supporting the display device in front of the face, and a visor for reducing the quantity of outside light incident on the display device.

Allowable Subject Matter

5. Claims 12-17 allowed.
6. The following is an examiner's statement of reasons for allowance:

an auto-adjusting light apparatus of a digital photo-album comprising an inputting sub-circuit that is coupled to receive a setting value; a photosensitive sub-circuit that is coupled with the output terminal of said inputting sub-circuit to form a node, wherein said photosensitive sub-circuit can generate a plurality of variation values according to the various light source in the background; a controlling sub-circuit whose the input terminal is coupled with said node to receive said plurality of variation values and said setting value, wherein the output terminal of said controlling sub-circuit is coupled with said output node to feed back said plurality of variation values in order, and said controlling sub-circuit can perform a compared action to generate a plurality of controlling signals according to the difference between said plurality of variation values and said setting value and the difference between said plurality of variation values from each other; an inverter whose the input terminal is coupled with the controlling sub-circuit to receive the plurality of controlling signals, wherein the inverter can generate a plurality of starting voltages

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according to the plurality of controlling signals; and a liquid crystal, displaying sub-circuit whose the input terminal is coupled with the output terminal of said inverter; to receive said plurality of starting voltages, so as to lighten the light with various contrasts and brightness.

The cited references of 892's fail to anticipate individually or render obviousness individually and in combination above bold and underlined claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is informed that all of the other additional cited references either anticipate or render the claims obvious. In order to not to be repetitive and exhaustive, the examiner did draft additional rejection based on those references.

Response to Arguments

8. Applicant's arguments filed 02-26-2004 have been fully considered but they are not persuasive.

Applicant argues Cited references fail to teach a received setting value transmitted from inputting means and a plurality of variation values from photosensitive means, that is the

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controlling means is coupled with the inputting means and the photosensitive means and can feed back the plurality of variation values in order.

Examiner argues the independent claims 1,9 do not recite above argument.

Applicant argues Tosaki fails to teach setting value can be set via an inputting button and Tosaki reference is not analogous.

Examiner disagrees, as Tosaki teaches said setting value can be set via an inputting button by manual (Col. 7, Lines 59 to Col. 8, Line 4, Col. 3, Line 66 to Col. 4, Line 35).

In response to applicant's argument that Tosaki (5,844,530) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Tosaki teaches said setting value can be set via an inputting button by manual (Col. 7, Lines 59 to Col. 8, Line 4, Col. 3, Line 66 to Col. 4, Line 35) and Tosaki teaches head mounted display.

9. Applicant's arguments with respect to claims 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 703-605-1231. The examiner can normally be reached on M-F 8AM to 5PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-3054938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 2023

PD

AU2673

April 2,, 2004

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long horizontal flourish extending to the right.

**VIJAY SHANKAR
PRIMARY EXAMINER**